

~~AMENDED~~
APPLICATION FOR PERMIT

N^o 49159

TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office.....~~JUN-24-1985~~ New Priority date JUN 19, 1985
Returned to applicant for correction..... JUL 05 1985
Corrected application filed..... SEP 04 1985
Map filed..... SEP 04 1985

The applicant..... UX LIVESTOCK CO., a Nevada Corporation, W & C Cattle Company, a Nevada Corporation, Miller S. Vaughan, Janet C. Pierce, Dorothy M. Kaiser and Robert O. Vaughan
c/o Robert O. Vaughan P.O. Box 1420, of Elko, Nevada 89801, hereby make application for permission to appropriate the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) UX Livestock Company was incorporated in Nevada on June 29, 1962; and W & C Cattle Company was incorporated in Nevada on February 19, 1962.

1. The source of the proposed appropriation is Franklin Lake located in Ruby Valley, Elko
County, Nevada. Name of stream, lake, spring, underground or other source
2. The amount of water applied for is None; Non-Consumptive use second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet 62,720 ac. feet
3. The water to be used for recreation uses as per attached Exhibit "A"
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated Does not apply.
 - (b) Stockwater, state number and kinds of animals to be watered Does not apply.
 - (c) Other use (describe fully under "No. 12. Remarks") See attached Exhibit "A"
 - (d) Power:
 - (1) Horsepower developed Does not apply.
 - (2) Point of return of water to stream Does not apply.
5. The water is to be diverted from its source at the following point in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 7, T. 30 N., R. 60 E., M.D.M. at a point from which the North $\frac{1}{4}$ section corner of said
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
Section 7 bears N. 38°20'W. a distance of 3,920.00 feet.
6. Place of use As described on Exhibit "B" attached hereto.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) See attached Exhibit "A".
State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.
9. Estimated cost of works See attached Exhibit "A".

10. Estimated time required to construct works..... 5 years
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... 8 years

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.
See attached Exhibit "A".

Please send copies of notices and correspondence to the undersigned agent.

By s/William A. Nisbet, agent
421 Court Street
Elko, Nevada 89801

Compared. tw/se.....

Protested. 9/13/85 by Dawley Creek Ranch, 9/24/85 by William S. Gibson

.....OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....cubic feet per second.....

Work must be prosecuted with reasonable diligence and be completed on or before.....

Proof of completion of work shall be filed on or before.....

Application of water to beneficial use shall be made on or before.....

Proof of the application of water to beneficial use shall be filed on or before.....

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed..... IN TESTIMONY WHEREOF, I.....
State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed..... my office, this.....day of.....,

Cultural map filed..... A.D. 19.....

Certificate No.....Issued.....



EXHIBIT "A"
TO
APPLICATION FOR PERMIT TO APPROPRIATE THE
PUBLIC WATERS OF THE STATE OF NEVADA
OF
FRANKLIN LAKE

Statements in said Application are supplemented as indicated on each section as follows:

3. The water is to be used for all recreational uses related to bodies of water, including but not limited to: the attraction, production and protection of ducks, geese and all other types and species of waterfowl and aquatic birds; the planting, protection and propagation of all kinds and species of fish suitable to the environment; hunting; fishing and all types of boating and water recreation compatible with the first described uses.

5. No diversion of the water will be made, except for ponding as described in item 8 below.

6. Place of use will vary from time to time as the lake elevation raises or lowers. The map attached as Exhibit "B" depicts approximate location as said lake exists at this time.

8. The proposed works will vary from time to time depending upon the level of water existing within Franklin Lake. However, as water recedes and low water conditions exist, it may be necessary for the construction of ponds by deepening existing possible diking for water control. Access roads over lands owned by the Applicants will need improvement.

9. An estimated cost of work would vary according to water conditions with a minimal amount being \$1,000.00 for road improvement and construction for management and access purposes, and the maximum amount depending upon the number of ponds and/or dikes that would be required for water conditions.

12. Remarks:

A. The Applicants are owners of approximately 7,000 acres of fee title land, a portion of which lie under Franklin Lake and the balance of which are adjacent to Franklin Lake.

B. The interest of the Applicants in and to this Application and the rights applied for are, and will be:

UX Livestock Company	-	undivided	46%
W & C Cattle Company	-	undivided	15%
Miller S. Vaughan	-	undivided	13%
Janet C. Pierce	-	undivided	6.5%
Dorothy M. Kaiser	-	undivided	6.5%
Robert O. Vaughan	-	undivided	13%

C. The Application for and use of the water rights applied for are in addition to and separate from the rights and uses presently owned and held by the Applicants individually for irrigation, stockwater and domestic uses.

D. The Application is made subject to all of the existing irrigation, stockwater and domestic water rights and uses of the Applicants and also subject to all of such rights and uses of all other owners and holders of such rights and uses on water tributary to the Franklin Lake and/or the Franklin River.

EXHIBIT "B"

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6. Place of use

T.28N.,R.58E., M.D.M.

All Secs.1,2,3,11

Portions of 4,9,10,12,13,14,15

T.28N.,R.59E.

All Sec.6

Portions of Secs.3,4,5,7

T.29N.,R.58E.

All Secs.13,24,25,26,27,34,35,36

Portions of Secs.1,10,11,12,15,21,22,28,33

T.29N.,R.59E.

All Secs.1 through 23,26 through 33

Portions of Secs.24,25,34,35,36

T.29N.,R.60E.

All Secs.6,7

Portions of Secs.5,8,17,18,19

T.30N.,R.59E.

All Secs.13,14,15,22,23,24,25,26,27,33,34,35,36

Portions of Secs.2,3,4,9,10,11,12,16,17,20,21,28,29,31,32

T.30N.,R.60E.

All Secs.19,30,31

Portions of Secs.7,8,9,16,17,18,20,28,29,32